



MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Yanagi

Attorney Docket No.: NAI118875

**RECEIVED**

Application No.: 10/088,781

Group Art Unit: 3725

**NOV 17 2004**

Filed: July 25, 2002

Examiner: M. Rosenbaum

**OFFICE OF PETITIONS**

Title: PARTICULATE MATTER VIBRO-FLUIDIZING APPARATUS

DECLARATION OF JERALD E. NAGAE IN SUPPORT OF PETITION TO WITHDRAW

HOLDING OF ABANDONMENT BASED ON OFFICE ACTION NOT RECEIVED

Seattle, Washington 98101

November 10, 2004

**RECEIVED**

**NOV 23 2004**

TO THE COMMISSIONER FOR PATENTS:

The undersigned, Jerald E. Nagae, hereby declares as follows:

TECHNOLOGY CENTER 3700

1. I, Jerald E. Nagae, am the prosecuting attorney of record for U.S. Patent Application No. 10/088,781, filed July 25, 2002, entitled, "PARTICULATE MATTER VIBRO-FLUIDIZING APPARATUS."
2. This Declaration is being filed in support of a Petition to Withdraw Holding of Abandonment and pursuant to MPEP Section 711.03(c)(II).
3. On September 14, 2004, a Notice of Abandonment was received in the above-identified application on the basis of not responding to an Office Action which was said to have been issued on January 5, 2004. On that same day, a call was placed under my direction to the U.S. Patent & Trademark Office requesting a copy of the Office Action. We were told that a copy would be forwarded to our office. After two follow-up telephone requests, the Office Action was finally forwarded to the undersigned on September 30, 2004.
4. I have searched the file, including a search of the file jacket and docket records for the above-referenced application, and confirm that the Office Action of January 5, 2004 was not received by our office. It is our office's procedure to docket dates

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associated with all Office Actions received from the U.S. Patent and Trademark Office upon receipt, and prior to forwarding the Office Action to the assigned attorney.

5. A true and correct copy of our docket records, where the non-received Office Action would have been entered had it been received and docketed, is attached to this Declaration as Exhibit A. A copy of the file jacket for the above-referenced application, where a record of the receipt of the document would have been recorded had it been received, is attached as Exhibit B.
6. I did not know that an Office Action had been mailed prior to September 14, 2004, and on information and belief, no one in our office was aware that the Office Action was mailed prior to September 13, 2004.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 10, 2004  
Date

Jerald E. Nagae  
Jerald E. Nagae  
Registration No. 29,418  
Direct Dial No. 206.695.1705

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: Nov. 10, 2004

Hilda J. de la Cruz

JEN:hjd

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## EXHIBIT A

**NAII-1-0018875****Particulate Matter Vibro-Fluidizing Apparatus**

<b>Seq</b>	<b>Type</b>	<b>Subtype</b>	<b>Action</b>	<b>Due</b>	<b>Completed</b>
13	PP	PR	Petition to Revive	11/10/04	
1	RM	FA	File Application/Drop Dead	3/22/02	3/22/02
5	AC	AC	Awaiting Filing Particulars	5/22/02	4/3/02
3	AL	AL	Anniversary Letter	12/22/02	4/3/02
4	RM	RM	Convention Filing	3/22/04	4/3/02
6	FU	MP	Missing Parts?	6/22/02	5/28/02
2	PP	CR	Citation of References	6/22/02	8/15/02
7	PP	MR	Missing Requirements	7/20/02	8/15/02
8	PP	MR	Missing Requirements 1st Extension	8/20/02	8/15/02
9	PP	MR	Missing Requirements 2nd Extension	9/20/02	8/15/02
10	PP	MR	Missing Requirements 3rd Extension	10/20/02	8/15/02
11	PP	DDMR	Missing Requirements 4th Extension/Drop Dead	11/20/02	8/15/02
12	FU	NOA	Office Action/Notice of Allowance?	12/22/02	9/10/04

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## EXHIBIT B

# TITLE

PATENT NO.

**SERIAL NO.**

ISSUED

FILING DATE

ASSOCIATE Nasser, Ihsan & Ihsan

TO BE PUBLISHED

SM. ENTITY yes  
DATE \_\_\_\_\_

ID	DATE	FILE DOCUMENT
A ✓	3/22/02	Appl'n filed
	4/2/02	Postcard Recd
	5/20/02	Missing Requirements
	7/22/02	Missing Reg's. Filed (Dec. / Assign / check)
	10/25/02	Not of Acceptance of Application
	11/4/02	Filing Receipt Recd
	11.8.02	Assignment
	12/10/02	Request for Filing Receipt Correction
	5/23/03	<del>CORRECTED</del> FILING RECEIPT REC'D
	9/10/04	Notice of Abandonment
	9/30/04	Non-Find Office Action
	(1/5/04)	

Patent No.